

### **REMARKS**

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-18 are pending, of which claims 2, 4, 11, and 13 are withdrawn. Claims 1 and 10 are amended. Claims 1 and 10 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

### **Examiner Interview**

The Applicants appreciate the courtesies extended by Examiner Phong Nguyen to the Applicants' Representative, Carl T. Thomsen, Reg. No. 50,786, on February 27, 2008. By way of this Amendment claims 1 and 10 have been amended as discussed with Examiner Nguyen. Claims 1 and 10 are now believed to be in condition for allowance. If, during further examination of the present application, a discussion with the Applicants' Representative would advance the prosecution of the present application, the Examiner is encouraged to contact Carl T. Thomsen, Registration No. 50,786, at 1-703-208-4030 (direct line) at her convenience.

### **Reasons for Entry of Amendments**

It is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment was not presented at an earlier date in view of the fact that Applicants did not fully appreciate the Examiner's position until the Final Office Action was reviewed.

**Restriction Requirement**

The Examiner has made the Restriction Requirement final, and has withdrawn claims 2, 4, 11, and 13 from further consideration. When independent claims 1 and 10 are found to be allowable, it is respectfully requested that the Examiner rejoin withdrawn claims 2, 4, 11, and 13, and allow all pending claims of this application.

**Rejections Under 35 U.S.C. §102(b) and §103(a)**

Claim 1, 3, 5-7, 10, 12 and 14-16 stand rejected under 35 U.S.C. §102(b) as being anticipated by McCormick (U.S. Patent 5,156,019);

claims 8 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over McCormick; and

claims 9 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over McCormick in view of Ullberg (U.S. Patent 3,690,988).

These rejections are respectfully traversed.

**Amendments to Independent Claims 1 and 10**

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 1 has been amended herein to recite a combination of features directed to a method for manufacturing a tissue section, including *inter alia*

“slicing an organism specimen along a slicing surface in an atmosphere of air, a form of the organism specimen having been fixed by freezing or by using an embedding agent”.

In addition, independent claim 10 has been amended herein to recite a combination of features directed to a device for manufacturing a tissue section, including *inter alia*

“means for slicing an organism specimen along a slicing surface in an atmosphere of air, a form of the organism specimen having been fixed by freezing or by using an embedding agent”.

Support for the novel features in claims 1 and 10 can be found in the original specification, for example, in paragraphs [0053] and [0054].

By contrast, as can be seen in claim 1 of McCormick, this document merely discloses a “dielectric fluid”.

In the DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS of McCormick, the “dielectric oil 22” is used as a specific example of the “dielectric fluid”.

Further, in the case of using the “cold-air”, dusts including viruses, etc. will be undesirably scattered (See BACKGROUND OF THE INVENTION, lines 37-46).

Therefore, the “dielectric fluid” of claim 1 of McCormick must be a fluid capable of preventing dusts from scattering, which are formed when the tissue section is sliced.

Therefore, McCormick fails to disclose or suggest the present invention, namely: “slicing an organism specimen along a slicing surface in an atmosphere of air, a form of the organism specimen having been fixed by freezing or by using an embedding agent”.

At least for the reasons explained above, the Applicants respectfully submit that the combination of features as set forth in each of independent claims 1 and 10 is not disclosed or made obvious by the prior art of record, including McCormick.

Therefore, independent claims 1 and 10 are in condition for allowance.

#### **Dependent Claims**

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

**CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030(direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

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Respectfully submitted,  
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